APPENDIX II.

PRIVATE BILL.

General Principles of the Mysore Debtors' Bill.

A man who fails to pay a debt due under a decree is liable to be arrested and cast into prison.

It is increasingly felt to be a barbarity and the belief that it is a successful means of drawing out secreted property and preventing fraud is neither well founded nor morally justifiable. Corporal punishment for civil liability is neither desirable nor necessary in the interests of society.

Formerly, even women were thus liable. A law was passed preventing it, and the same is now embodied in Section 56 of the Civil Procedure Code.

Recently, agriculturists who come within the definition of the term in the Mysore Agriculturists' Relief Regulation have been exempted from the liability.

Arrest and imprisonment for non-payment of debt is thus recognised to be undesirable and opposed to our sense of justice and morality. It is the general feeling in many civilised countries. In England, they passed a law called the Debtors' Act which has practically abolished arrest and imprisonment for non-payment of debt.

It is learnt that it has been abolished in France, Germany, Scotland, Turkey, South Africa and in many of the States of the U. S. A.

In agreement with this general feeling, the Bill seeks to abolish arrest and imprisonment in execution of a decree for money.

PRIVATE BILL.

1. The Mysore Debtors' (Regulation) Bill.

Whereas it is expedient to provide that no person shall be arrested or imprisoned in execution of a decree for money, it is hereby enacted as follows :—

1. (i) This Regulation shall be called "The Mysore Debtors' Regulation, 193 ."

(ii) It shall extend throughout the State of Mysore.

(iii) It shall come into force from the 1st day of January 193 .

2. Notwithstanding anything contained in any law for the time being, no person shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Regulation comes into force.

Statement of Objects and Reasons.

The present law rendering a judgment-debtor liable to be cast into prison is barbarous. In all civilised countries, it has been either totally abolished or negatived by restrictions. In India the movement for its abolition started as far back as 1881. As a first step, the law exempted women from being arrested and imprisoned for a decree debt. Since then the question has been considered now and then with the result that the law has been liberalised and the severity relaxed. Poverty and ill-health can be pleaded against imprisonment. Insolvency protection can be had under certain conditions. Nevertheless, the principle of arresting a man for failure to pay a debt is still recognised by the statute. It is a vicious principle, a negation of the dignity of the human body, a denial of the rights of the family and society over the person of the judgment-debtor. The Curgenven Report of 1914 and the Whitley Commission Report of 1931 alike recommended the abolition of imprisonment for debt. In England the Debtors' Acts of 1869 and 1878 abolished it except in a few cases which have also become obsolete. It is learnt that imprisonment for debt is abolished in France, Germany, Scotland, many of the States of the U. S. A., Turkey and South Africa. In Mysore, it has been abolished in the case of all women by Section 56 of the Civil Procedure Code and in the case of all such men as are agriculturists, by Section 13 of the Agriculturists' Relief Regulation. It is generally agreed that arrest and imprisonment for debt is undesirable and deserving of ebolition. The bill is intended to give effect to it.